



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A (MD)No.939 of 2011

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M.Senthilvel @ Senthilkumar ... Appellant / Petitioner
-Vs-

Mareeswari @ Geetha ... Respondent / Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 19(1) of the Family Court Act 1984, praying this Court to set aside the judgment and decree made in H.M.O.P.No.196 of 2007 on the file of the Family Court, Madurai, dated 14.06.2011.

For Appellant : Mr.G.Rajaraman

For Respondent : Mr.T.C.S.Thillainayagam

JUDGMENT

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

This Civil Miscellaneous Appeal arises out of proceedings in H.M.O.P.No.196 of 2007, filed under the Hindu Marriage Act, which was dismissed by the trial Court on 14.06.2011, wherein the husband sought for divorce on the ground of cruelty and unsound mind of the wife.

2.The parties have entered into compromise and memorandum of compromise has also been filed. It is seen from the memorandum of compromise that the wife has been paid with a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs Only) as compensation amount and the husband has also returned the jewels and other valuables to the wife. The parties prayed for divorce.

3.In view of the long lapse of time and taking into account the fact that the parties are living apart more than 14 years now we treat this appeal as divorce petition, waive the cooling off period of 6 months to 18 months under Section 13(B)(2) of the Hindu Marriage Act and grant divorce to the parties on the basis of the compromise entered into between the parties. It is stated that the son born out of the wedlock is aged about 17 years and he is now with the mother. The custody of the minor will continue with the mother. The parties are also present before this Court and affirmed the compromise memo. The compromise memo shall form part and parcel of this judgment.



4.In view of the same, this Civil Miscellaneous Appeal stands allowed and H.M.O.P.No.196 of 2007 stands allowed. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2022

Sub Assistant Registrar(CS)

Myr

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

ENCL;Xerox Copy of Joint Compromise Memo

To

- 1.The Judge,
The Family Court,
Madurai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.G.RAJARAMAN, Advocate (SR-7164[F] dated 18/02/2022)

JUDGMENT MADE IN
C.M.A. (MD)No.939 of 2011
18.02.2022

ss (CO)

GC(10.03.2022) 2P 5C